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March 24, 1987

The Honorable Henry J. Hyde
U.S. House of Representatives
House Office Building
Washington, D.C. 20515

Dear Mr. Hyde:

You indicated that you would be interested in any comments I might have about H.R. 1013.


This bill proposes to tighten up certain reporting requirements on new covert actions undertaken by the Central Intelligence Agency. In so doing it demands that Presidential "findings" be "in writing" and that a copy of the written "finding" be furnished to certain members of Congress and to the Vice President, Secretaries of State and Defense, and the Director of Central Intelligence. At the rate written documents of the Executive branch appear in the newspapers these days, I would have thought that this requirement almost constitutes a guarantee that no action would long remain "covert." When a written finding is sent to a Senator, a Congressman, or a Cabinet officer, how many individuals on their staffs actually see this document? Quite a few, I would surmise. Put another way, this legislation would further insure that with the inability of the Executive and Legislative branches to identify "leakers," "covert action" as an option in support of U.S. foreign policy is doomed. This is not necessarily because future Presidents and Directors would be unwilling to take the chance, but because the experienced officers who must carry out such operations would not wish to become involved in what they would inevitably regard as a "no win" situation.

It strikes me that rather than focus on H.R. 1013, the Senate and House of Representatives might better exert their energies on the adoption of a Joint Committee along the lines you have proposed. The Tower Commission Report contains the most recent recommendation for establishing such a Joint Committee. Last year's report of the Vice President's Task Force on Terrorism contains a similar recommendation. Cord Meyer in his column of March 13, 1987 in the Washington Times argues the

case in favor of a Joint Committee. Under date of December 9, 1985 I sent you a letter supporting your original bill. I feel even more strongly in favor today and repeat what I wrote to you at that time.

This past weekend Senator David Durenberger, former Chairman of the Senate Select Committee on Intelligence, was quoted in the Washington Post as having exposed during a speech in Florida an alleged American intelligence operation in Israel. Equally egregious classified information leaks come from the Executive departments. If the Executive and Legislative branches of our government cannot reach an appropriate balance on the issue of congressional oversight and the mutual confidence implicit in it, the security of intelligence information acquired for the United States of America is indeed in serious trouble. Let us hope that the Congress will see the wisdom of making this collaboration easier by moving toward a Joint Committee with a small staff. This would reduce the number of individuals privy to intelligence secrets, thus making it less contentious for the two sides to work in harmony.

Sincerely yours,


Richard Helms

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